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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION, MERCER COUNTY
DOCKET NO. MER-L- 2524-05

PETER C. HARVEY, Attorney General of the
State of New Jersey, KIMBERLY S. RICKETTS,
Director of the New Jersey Division of Consumer
Affairs, and LOUIS E. GREENLEAF,
Superintendent of the State of New Jersey, Office
of Weights and Measures,

Plaintiffs,

v.

SUNOCO PARTNERS, LLC d/b/a LAUREL
SPRINGS SUNOCO and ROEBLING SUNOCO,
JASMYN, INC. d/b/a CLIFTON SUNOCO,
GENERAL EQUITIES, INC. d/b/a
HACKETTSTOWN SUNOCO, SUN RIVER,
INC. d/b/a RIVERDALE SUNOCO, VAN NGAY
HUYNH d/b/a VAN'S SUNOCO, FRED MURAD
d/b/a RIDGEDALE SUNOCO, JANE AND JOHN
DOES 1-20, individually and as officers, directors,
shareholders, founders, owners, agents, servants
and/or employees of SUNOCO PARTNERS, LLC,
JASMYN, INC., GENERAL EQUITIES, INC.,
SUN RIVER, INC., VAN NGAY HUYNH d/b/a
VAN'S SUNOCO., FRED MURAD d/b/a
RIDGEDALE SUNOCO and XYZ
CORPORATIONS, 1-20,

Defendants.

Civil Action

COMPLAINT

Plaintiffs Peter C. Harvey, Attorney General of the State of New Jersey, with offices located at 124 Halsey Street, Fifth Floor, Newark, New Jersey, Kimberly S. Ricketts, Director of the New Jersey Division of Consumer Affairs, with offices located at 124 Halsey Street, Seventh Floor, Newark, New Jersey, and Louis E. Greenleaf, Superintendent of the New Jersey Office of Weights and Measures, with offices located at 1261 Routes 1 & 9 South, Avenel, New Jersey, by way of this Complaint state:

PARTIES AND JURISDICTION

1. The Attorney General of the State of New Jersey ("Attorney General") is charged with the responsibility of enforcing the New Jersey Consumer Fraud Act ("CFA"), N.J.S.A. 56:8-1 et seq., and all regulations promulgated thereunder, N.J.A.C. 13:45A-1.1 et seq. The Director of the New Jersey Division of Consumer Affairs ("Director") is charged with the responsibility of administering the CFA and the regulations promulgated thereunder on behalf of the Attorney General.

2. Pursuant to N.J.S.A. 51:1-42, the New Jersey Office of Weights and Measures ("Office of Weights and Measures") in the Department of Law and Public Safety, is charged with the responsibility, among other things, of establishing a uniform standard of weights and measures and to provide penalties for the use of other than standard or legal weights and measures, as provided in the Weights and Measures Act, N.J.S.A. 51:1-1.

3. The Superintendent of the Office of Weights and Measures ("Superintendent") is charged with the responsibility of administering the Weights and Measures Act, N.J.S.A. 51:1-1 et seq. and all regulations promulgated thereunder. Pursuant to N.J.S.A. 56:6-4.1, the Superintendent may recover penalties for violations of the Motor Fuels Act, N.J.S.A. 56:6-1 et seq., and the regulations promulgated thereunder, N.J.A.C. 18:19-1.1 et seq.

4. By this action, the Attorney General, Director and Superintendent (collectively referred to as "Plaintiffs") seek injunctive and other relief for violations of the CFA and/or the Motor Fuels Act. Plaintiffs bring this action pursuant to their authority under the CFA and/or the Motor Fuels Act, specifically N.J.S.A. 56:8-8, 56:8-11, 56:8-13 and/or 56:6-4.1. Venue is proper in Mercer County, pursuant to R. 4:3-2, because it is a county in which the cause of action arose and/or in which some of the defendants have conducted business and/or maintained principal offices to conduct business.

5. Defendant Sunoco Partners, LLC ("Sunoco") is a Pennsylvania corporation established on January 16, 2002. Upon information and belief, at all relevant times, Sunoco has maintained its principal place of business at 1801 Market Street, Philadelphia, Pennsylvania 19103.

6. As of January 16, 2002, Sunoco has been authorized to conduct business as a foreign corporation in the State of New Jersey (the "State"). Sunoco's registered agent in the State is Corporation Trust Company, 820 Bear Tavern Road, West Trenton, New Jersey 08628.

7. Defendant Jasmyn, Inc. ("Clifton Sunoco") is a corporation established in the State on October 5, 1998. Upon information and belief, at all relevant times, Clifton Sunoco has maintained its principal place of business at 870 Route 3 West, Clifton, New Jersey 07011.

8. Clifton Sunoco's registered agent in the State is Leonid Balagula, who maintains a mailing address of 1630 Bergen Boulevard, Fort Lee, New Jersey 07024.

9. Defendant General Equities, Inc. ("Hackettstown Sunoco") is a Connecticut corporation established on September 3, 1986. Upon information and belief, Hackettstown Sunoco has maintained its principal place of business at 318 Main Street, Kensington, Connecticut 06037.

10. As of September 3, 1986, Hackettstown Sunoco has been authorized to conduct business as a foreign corporation in the State. Hackettstown Sunoco's registered agent in the State is Prentice Hall Corporation System, 830 Bear Tavern Road, Trenton, New Jersey 08628.

11. At all relevant times, Hackettstown Sunoco has owned and/or operated a gasoline service station in the State which is located at 2014 Route 57, Hackettstown, New Jersey 07840.

12. Defendant Sun River, Inc. ("Riverdale Sunoco") is a corporation established in the State on October 14, 2003. Upon information and belief, at all relevant times, Riverdale Sunoco has maintained its principal place of business at 75 Hamburg Turnpike, Riverdale, New Jersey 07457.

13. Upon information and belief, the registered agent in the State for Riverdale Sunoco is Giuseppe Munafo, who maintains a mailing address of 386 Farview Avenue, Paramus, New Jersey 07652.

14. Upon information and belief, defendant Van Ngay Huynh ("Huynh") is the owner, operator, manager, agent and/or employee of Van's Sunoco. Upon information and belief, Huynh maintains a mailing address of 203 Fox Place, Egg Harbor Township, New Jersey 08232.

15. Upon information and belief, Van's Sunoco is not incorporated in the State or elsewhere. Upon information and belief, Van's Sunoco has maintained its principal place of business at 2507 Atlantic Avenue, Atlantic City, New Jersey 08401. Huynh and Van's Sunoco are collectively referred to as "Van's Sunoco".

16. Upon information and belief, defendant Fred Murad ("Murad") is the owner, operator, manager, agent and/or employee of Ridgedale Sunoco. Upon information and belief, Murad maintains a mailing address of 87 Hartland Avenue, Emerson, New Jersey 07630.

17. Upon information and belief, Ridgedale Sunoco is not incorporated in the State or elsewhere. Upon information and belief, Ridgedale Sunoco has maintained its principal place of business

at 626 Ridgedale Avenue, East Hanover, New Jersey 07936. Murad and Ridgedale Sunoco are collectively referred to as "Ridgedale Sunoco".

18. Upon information and belief, John and Jane Does 1 through 20 are fictitious individuals meant to represent the officers, directors, shareholders, founders, owners, agents, servants, employees, sales representatives and/or independent contractors of Sunoco, Clifton Sunoco, Hackettstown Sunoco, Riverdale Sunoco, Van's Sunoco and Ridgedale Sunoco, who have been involved in the conduct that gives rise to this Complaint, but are heretofore unknown to Plaintiffs. As these defendants are identified, Plaintiffs shall amend the Complaint to include them.

19. Upon information and belief, XYZ Corporations 1 through 20 are fictitious corporations meant to represent any additional corporations who have been involved in the conduct that gives rise to this Complaint, but are heretofore unknown to Plaintiffs. As these defendants are identified, Plaintiffs shall amend the Complaint to include them.

20. Sunoco, Clifton Sunoco, Hackettstown Sunoco, Riverdale Sunoco, Van's Sunoco and Ridgedale Sunoco are collectively referred to as the "Defendants".

GENERAL ALLEGATIONS

21. At all relevant times, Sunoco has been engaged in the distribution of motor fuels to service stations in the State and elsewhere. Upon information and belief, the motor fuels comprised four (4) grades: Regular, Plus, Super and Ultra (Diesel).

22. Upon information and belief, at all relevant times, Sunoco has owned and/or operated gasoline service stations within the State.

23. Upon information and belief, the service stations owned and/or operated by Sunoco include the following: (a) Laurel Springs Sunoco, 1280 Chews Landing Road, Laurel Springs, New Jersey

08021; and (b) Roebling Sunoco, Route 130 South and Hornberger Avenue, Roebling, New Jersey 08554.

24. Upon information and belief, at all relevant times, independently owned and/or operated service stations in the State market, advertise, solicit and otherwise offer for sale "Sunoco" motor fuel to consumers in the State and elsewhere.

25. Upon information and belief, at all relevant times, the independently owned and/or operated service stations have included Clifton Sunoco, Hackettstown Sunoco, Riverdale Sunoco, Van's Sunoco and Ridgedale Sunoco.

COUNT I

VIOLATIONS OF THE MOTOR FUELS ACT BY DEFENDANTS SUNOCO, CLIFTON SUNOCO, HACKETTSTOWN SUNOCO, RIVERDALE SUNOCO AND RIDGEDALE SUNOCO (MULTIPLE PRICE CHANGES WITHIN 24 HOURS)

26. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 25 above as if more fully set forth herein.

27. The Motor Fuels Act, N.J.S.A. 56:6-1 et seq. governs the sale of motor fuels by retail dealers within the State.

28. To the extent it is engaged in the operation of service stations in the State, Sunoco is a "retail dealer" within the definition of N.J.S.A. 56:6-1.

29. Clifton Sunoco, Hackettstown Sunoco, Riverdale Sunoco and Ridgedale Sunoco are "retail dealers" within the definition of N.J.S.A. 56:6-1.

30. The Motor Fuels Act provides in pertinent part:

(a) Every retail dealer shall publicly display and maintain, in the manner regulated by the Director of the Division of Taxation, a sign stating the price per gallon if sold by the gallon, and per gallon and per liter if sold by the liter of the motor fuel sold by the dealer. All taxes, State and Federal, imposed with respect to the manufacture or sale of motor fuel shall be included in the price shown on said sign, but said sign shall contain a statement of the amount of taxes included in said price, or without specifying the amount thereof, said sign shall state that taxes are included in said price. A retail dealer shall not sell at any other price than the price, including tax, so posted. Any such price when posted shall remain posted and in effect for a period of not less than twenty-four (24) hours.

[N.J.S.A. 56:6-2(a) (emphasis added).]

31. Upon information and belief, at least from August 31, 2005 through September 1, 2005, Sunoco increased the price for Regular, Super and Diesel grades of motor fuel sold at Roebling Sunoco more than once within a twenty-four hour (24) hour period.

32. Upon information and belief, at least from September 2, 2005 through September 3, 2005, Clifton Sunoco increased the price for its Regular grade of motor fuel more than once within a twenty-four hour (24) hour period.

33. Upon information and belief, at least from August 30, 2005 through August 31, 2005, Hackettstown Sunoco increased the price for its Regular grade of motor fuel more than once within a twenty-four hour (24) hour period.

34. Upon information and belief, at least from August 31, 2005 through September 1, 2005, Riverdale Sunoco increased the price for its Regular grade of motor fuel more than once within a twenty-four (24) hour period.

35. Upon information and belief, at least from August 31, 2005 through September 1, 2005, Ridgedale Sunoco increased the price for its Regular grade of motor fuel more than once within a twenty-four (24) hour period.

36. The conduct of Sunoco, Clifton Sunoco, Hackettstown Sunoco, Riverdale Sunoco and Ridgedale Sunoco constitutes multiple violations of the Motor Fuels Act, N.J.S.A. 56:6-1 et seq.

COUNT II

VIOLATIONS OF THE MOTOR FUELS ACT AND MOTOR FUELS REGULATIONS BY DEFENDANTS SUNOCO AND VAN'S SUNOCO (FAILURE TO PROVIDE ACCESS TO BOOKS AND RECORDS)

37. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 36 above as if more fully set forth herein.

38. The Motor Fuels Act, N.J.S.A. 56:6-7, further requires that retail dealers provide access to their books and records as follows:

For the purpose of administering this act, the commissioner whenever he deems it expedient, may make or cause to be made by any employees of the State Tax Department engaged in the administration of this act an audit, examination or investigation of the books, records, papers, vouchers, accounts and documents of any retail dealer. It shall be the duty of every retail dealer, his agents or employees, to exhibit to the commissioner or to any such employee of the State Tax Department all such books, records, papers, vouchers, accounts and documents of the retail dealer and to facilitate any such audit, examination or investigation so far as it may be in his or their power to do so.

39. The Motor Fuels Regulations, N.J.A.C. 18:19-5.2, similarly require that retail dealers make available their books and records and that they facilitate any such audit, examination or investigation.

40. On or about September 4, 2005, Sunoco failed to provide inspectors of the State Office of Weights and Measures with access to all of the requisite books and records of Laurel Springs Sunoco.

41. On or about September 2, 2005, Van's Sunoco failed to provide inspectors of the State Office of Weights and Measures with access to all of the requisite books and records.

42. The conduct of Sunoco and Van's Sunoco constitutes a violation of the Motor Fuels Act, N.J.S.A. 56:6-7, and the Motor Fuels Regulations, N.J.A.C. 18:19-5.2.

COUNT III

**VIOLATIONS OF THE CFA BY
DEFENDANTS SUNOCO, CLIFTON SUNOCO,
HACKETTSTOWN SUNOCO, RIVERDALE
SUNOCO AND RIDGEDALE SUNOCO
(UNCONSCIONABLE COMMERCIAL PRACTICES)**

43. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 42 above as if more fully set forth herein.

44. The CFA, N.J.S.A. 56:8-2, prohibits:

The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing[] concealment, suppression, or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise. . .

45. At all relevant times, Sunoco, Clifton Sunoco, Hackettstown Sunoco Riverdale Sunoco and Ridgedale Sunoco have been engaged in the retail sale of motor fuels at service stations within the State.

46. In so doing, Sunoco, Clifton Sunoco, Hackettstown Sunoco, Riverdale Sunoco and Ridgedale Sunoco have engaged in the use of unconscionable commercial practices.

47. The conduct of Sunoco, Clifton Sunoco, Hackettstown Sunoco, Riverdale Sunoco and Ridgedale Sunoco in violation of the CFA includes, but is not limited to, the following:

- a. Selling motor fuel at a price that was increased more than once within a twenty-four (24) hour period; and
- b. Charging consumers for motor fuel sold at an unlawful price.


48. Each unconscionable commercial practice by Sunoco, Clifton Sunoco, Hackettstown Sunoco, Riverdale Sunoco and Ridgedale Sunoco constitutes a separate violation of the CFA, N.J.S.A. 56:8-2.

PRAYER FOR RELIEF

WHEREFORE, based upon the foregoing allegations, Plaintiffs respectfully request that the Court enter judgment against Defendants:

- (a) Finding that the acts and omissions of Defendants constitute multiple violations of the Motor Fuels Act, N.J.S.A. 56:6-1 et seq., the CFA, N.J.S.A. 56:8-1 et seq., and the Motor Fuels Regulations, N.J.A.C. 18:19-1.1 et seq.,
- (b) Permanently enjoining Defendants and their officers, directors, shareholders, founders, owners, agents, servants, employees, sales representatives, independent contractors, corporations, subsidiaries, affiliates, successors, assigns and all other persons or entities directly under their control, from engaging in, continuing to engage in, or doing any acts or practices in violation of the Motor Fuels Act, N.J.S.A. 56:6-1 et seq., the CFA, N.J.S.A. 56:8-1 et seq., and the Motor Fuels Regulations, N.J.A.C. 18:19-1.1 et seq., including, but not limited to, the acts and practices alleged in this Complaint;
- (c) Directing the assessment of restitution amounts against Defendants to restore to any affected person, whether or not named in this Complaint, any money or real or personal property acquired by means of any practice alleged herein to be unlawful and found to be unlawful, as authorized by the CFA, N.J.S.A. 56:8-8;
- (d) Assessing the maximum statutory civil penalties against Defendants for each and every violation of the Motor Fuels Act, in accordance with N.J.S.A. 56:6-3 and the Motor Fuels Act Regulations, in accordance with N.J.A.C. 18:19-3.1.
- (e) Assessing the maximum statutory civil penalties against Defendants for each and every violation of the CFA, in accordance with N.J.S.A. 56:8-13 and N.J.S.A. 56:8-18;
- (f) Directing the assessment of costs and fees, including attorneys' fees, against Defendants for the use of the State of New Jersey, as authorized by the CFA, N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19; and
- (g) Granting such other relief as the interests of justice may require.

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: 
Jeffrey Koziar
Deputy Attorney General

Dated: September 26, 2005
Newark, New Jersey

RULE 4:5-1 CERTIFICATION

I certify, to the best of my information and belief, that the matter in controversy in this action involving the aforementioned violations of the Motor Fuels Act, N.J.S.A. 56:8-1 et seq., the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq., and the accompanying regulations is not the subject of any other action pending in any other court of this State. I am aware that private contract and other actions have been brought against the Defendants, but have no direct information that any such actions involve the above-referenced allegations. I further certify that the matter in controversy in this action is not the subject of a pending arbitration proceeding in this State, nor is any other action or arbitration proceeding contemplated. I certify that there is no other party who should be joined in this action at this time.

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: Jeffrey Koziar
Jeffrey Koziar
Deputy Attorney General

Dated: September 26, 2005
Newark, New Jersey

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Deputy Attorney General Jeffrey Koziar is hereby designated as trial counsel
for this matter.

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiffs

By: Jeffrey Koziar
Jeffrey Koziar
Deputy Attorney General

Dated: September 26, 2005
Newark, New Jersey